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IN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s) Shae et al.
Docket No.: YOR920010333US1
Serial No.: 09/881,323
Filing Date: June 13, 2001
Group: 2663
Examiner: Richard Chang

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: *[Signature]* Date: October 7, 2005

Title: Periodic Broadcast and Location of Evolving Media
Content with Application to Seminar and Stroke Media

TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Response to Restriction Requirement relating to the above-identified patent application. There is no additional claim fee due in connection with the Response.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation Deposit Account No. 50-0510** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,

[Signature]

Dated: October 7, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s) Shae et al.
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Examiner: Richard Chang

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Signature: Susan Dutra Date: October 7, 2005

Title: Periodic Broadcast and Location of Evolving Media
Content with Application to Seminar and Stroke Media

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Examiner's October 3, 2005 Official Action.

The Examiner found that the claims of the instant application, which are directed to techniques for periodic broadcast and location of evolving media content with application to seminar and stroke media, describe two distinct inventions. The Examiner therefore required that the application be restricted to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1- 24, 30-39 and 45-54 drawn to generating specific broadcasting levels and by transmitting specific levels periodically as shown in Fig. 1, classified in class 370 subclass 464; and
- II. Claims 25-29, 40-44 and 55-62, drawn to general abstract definition of data structure, classified in class 725 subclass 97.

Applicants respectfully assert that the restriction requirement is improper and should be withdrawn, since each Group is generally drawn to techniques for periodic broadcast and location of evolving media content with application to seminar and stroke media, and it is believed that a complete search for each Group would require a search of most, if not all, of the individual classes and subclasses. Accordingly, Applicant submits that an examination of both Groups would not impose a serious burden on the Examiner. Where, as here, "the search and examination of an entire application can be made

without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” MPEP §803.

Accordingly, it is respectfully requested that the restriction requirement be reconsidered and withdrawn and that all of the pending claims in the application be examined together in this application, or, alternatively, Applicant hereby elects Group I, claims 1-24, 30-39 and 45-54, for prosecution in this application.

Respectfully submitted,



Dated: October 7, 2005

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